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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,756	01/09/2002	Christopher D. Farnes	100110217	7287

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EXAMINER

CHOI, PETER H

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,756

Applicant(s)

FARNES ET AL.

Examiner

Peter Choi

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final office action upon examination of application number 10/043756. Claims 1-20 are pending in the application and have been examined on the merits discussed below.

Response to Amendment

2. Claim 1 has been amended in the amendment filed by Applicant on September 11, 2006.

3. The previous rejection of claims 1-20 under 35 U.S.C. § 101 is withdrawn in view of the amended claims.

Response to Arguments

4. Applicant's arguments with respect to claim 1-20 have been considered but are moot in view of the new ground(s) of rejection.

In the previous Office Action mailed June 5, 2006, notice was taken by the Examiner that certain subject matter is old and well known in the art. Per MPEP

Art Unit: 3623

2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the subsequent response. Specifically, it has been taken as prior art that:

- Collecting data from partner organizations is old and well known in the art

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 7-9, 11, 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casper Lassenius, Maarit Nissinen, Kristian Rautiainen and Reijo's "The Interactive Goal Panel: A Methodology for Aligning R&D Activities With Corporate Strategy", published in October 1998 (hereinafter referred to as Lassenius et al.).

As per claim 1, Lassenius et al. teaches a computer-implemented method for utilizing a total customer experience action planning process to provide an improved customer experience, said method comprising:

(a) gathering data associated with an organization of said organization **(The objects, goals, and performance measures already in use in the organization are identified and analyzed)** [Paragraph 41];

(b) during a strategy session associated with said organization **(strategic control aspects are presented to the rest of the organization and analyzed in workshops)**, determining a goal for said organization along with an associated success metric for accomplishing said goal, wherein said goal is based on said data **(for each object, the goals and mechanisms to achieve those goals are formulated; the objects, mechanisms and goals for the dimensions of the Balanced Score Card are defined by interviewing representatives at different levels in the company)** [Paragraphs 42, 43, 44];

(c) determining a department goal along with an associated success metric for accomplishing said department goal **(for each object, the goals and mechanisms to achieve those goals are formulated; the objects, mechanisms and goals for the dimensions of the Balanced Score Card are defined by interviewing representatives at different levels in the company)**, wherein said department goal is closely associated with a business objective of said organization **(the goals are often related to process improvement or the installation of new processes)** [Paragraph 33, 42, 43]; and

(d) taking measurable action to accomplish said department goal **(a control plan is formulated, documenting all aspects and levels of the framework. It also includes practical issues normally found in measurement plans, such as the**

Art Unit: 3623

definition of data to collect, the identification of persons responsible for the metrics, and information on visualization and distribution of the metrics data)

[Paragraph 47].

Lassenius et al. does not explicitly collect customer data. However, Official Notice is taken that it is old and well known in the art to collect customer data. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to collect customer data, because doing so would provide information from the customer perspective, which would be taken into consideration by Lassenius while aligning R&D activities with corporate strategy to meet the needs of customers.

Claims 7 and 14 recite limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies

Furthermore, the IGP (Interactive Goal Panel) concept discussed by Lassenius et al. is also supported with modern information technology that would greatly enhance its usability. Uses for IT include aiding with the definition of the controllability parameters, helping with data collection, and analyzing as well as visualizing the data. Lassenius et al. have developed a visualization tool based on Java-technology that supports on-line visualization of the IGP and metrics over an intra-or internet. The computer on which the IGP visualization tools operate inherently includes a processor, a memory device,

Art Unit: 3623

and an addressable data bus coupled to said processor. Thus, Lassenius et al. teaches a computer readable medium having computer readable code embodied thereon (as per claim 7) and a computer system with a processor, data bus and memory device (as per claim 14)

As per claim 2, Lassenius et al. teaches the method as described in claim 1 further comprising:

(e) during a commitment session associated with said organization, providing an overview of said total customer experience action planning process to a manager of said organization and to staff associated with said manager. **(strategic control aspects are presented to the rest of the organization and analyzed in workshops. The objective of the workshops is to harmonize and gain consensus on the goals to strive for and the control mechanisms to use)** [Paragraph 44].

Claims 8 and 15 recite limitations already addressed by the rejection of claim 2 above; therefore, the same rejection applies

As per claim 3, Lassenius et al. does not explicitly teach the method as described in claim 1 wherein said data further comprises data provided by a partner organization that works together with said organization.

It has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that the step of collecting data from partner organizations is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to include the step of gathering data from partner organizations because the resulting combination would broaden the amount of available data for analysis, and also to assess the compatibility of partner organizations with newly determined goals.

Claims 9 and 16 recite limitations already addressed by the rejection of claim 3 above; therefore, the same rejection applies

As per claim 5, Lassenius et al. teaches the method as described in claim 1 further comprising:

(e) repeating said (a) through (d) at some future time **(iteration of the implementation process is often needed; the Interactive Goal Panel should be periodically updated)** [Paragraphs 48,50].

Claims 11 and 18 recite limitations already addressed by the rejection of claim 5 above; therefore, the same rejection applies.

7. Claims 4, 6, 10, 12, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lassenius et al. as applied to claim 1 above, and further in view of

Gary Meyer's discussion of eWorkbench in "eWorkbench: Real-time tracking of synchronized goals", published in the April 2001 issue of HRMagazine (hereinafter referred to as Meyer, reference 1-X).

As per claim 4, although not explicitly taught by Lassenius et al., Meyer teaches the method as described in claim 1 wherein said data further comprises data provided by managers associated with said organization (**Managers can execute periodic ratings of progress on a competency; Managers can run a "Goals Snapshot" report for summary information on their work units or selected individuals; eWorkbench's "Performance Trends" option generates a report showing where an employee stands with every goal and competency item**) [Paragraphs 7,9, 10].

The IGP (Interactive Goal Panel) concept discussed by Lassenius et al. is also supported with modern information technology that would greatly enhance its usability. Uses for IT include aiding with the definition of the controllability parameters, helping with data collection, and analyzing as well as visualizing the data. Lassenius et al. have developed a visualization tool based on Java-technology that supports on-line visualization of the IGP and metrics over an intra-or internet. The computer on which the IGP visualization tools operate inherently includes a processor, a memory device, and an addressable data bus coupled to said processor. The eWorkbench software discussed by Meyer is a computer readable medium having computer readable code embodied therein. The computer on which the eWorkbench software operates

Art Unit: 3623

inherently includes a processor, a memory device, and an addressable data bus coupled to said processor. Thus, both Lassenius et al. and Meyer teach a computer readable medium having computer readable code embodied thereon (as per claim 7) and a computer system with a processor, data bus and memory device (as per claim 14). Both Lassenius et al., and Meyer are directed towards monitoring success for accomplishing department goals; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to include the step of including data provided by managers of an organization, because the resulting combination would broaden the amount of available data for analysis, and also to assess the progress/competency of organizational/department employees with newly determined goals.

Claims 10 and 17 recite limitations already addressed by the rejection of claim 4 above; therefore, the same rejection applies

As per claim 6, although not explicitly taught by Lassenius et al., Meyer teaches the method as described in claim 1 wherein said (c) further comprises:

(c1) verifying said department goal and said associated success metric for accomplishing said department goal within an up-line manager of said organization **(eWorkbench lets managers and line employees create and track goals, and align them with their employer's broad objectives. The program allows individuals' goals to be linked with those of their bosses, all the way to the top; Managers**

Art Unit: 3623

also can create and automatically cascade goals down to their direct reports)

[Paragraphs 2, 4].

Both Lassenius et al., and Meyer are directed towards monitoring success for accomplishing department goals; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to include the step of verifying department goals and associated success metrics with up-line management, because the resulting combination would enable to ensure that management and line employees along the hierarchical chain of command within the organization are in alignment with respect to objectives, goals, and means of measuring the successfulness of said goals and objectives.

Claims 12 and 19 recite limitations already addressed by the rejection of claim 6 above; therefore, the same rejection applies

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC

November 24, 2006



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